

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEBBIE A. KENFIELD,
Plaintiff,
v.
JO ANNE B. BARNHART,
Defendant

Case No. C04-5777FDB

REPORT AND RECOMMENDATION

Noted for February 17, 2006

This matter is before the court on plaintiff's failure to file her opening brief and a response to the court's order to show cause issued on July 15, 2005. After carefully reviewing the record, the undersigned recommends that the case be dismissed for lack of prosecution.

Plaintiff, Debbie Kenfield, resides in Port Orchard, Washington. On or about November 16, 2004, Ms. Kenfield submitted to the Court Clerk a civil complaint. The Complaint names the Jo Anne Barnhart of Social Security Administration as the sole defendant and alleges the Administration failed to properly consider her application for social security benefits.

After defendant filed her answer, along with the administrative record, the court issued a briefing schedule, in which plaintiff was directed to file her opening brief by not later than February 16, 2005. On July 15, 2005, the court issued an order to show cause, explaining that plaintiff had failed to file the required pleading and to explain why this matter should not be summarily dismissed for lack of prosecution. To date, the clerk has not received any pleadings or documents from plaintiff responding to

1 the court orders requiring her to file an opening brief.

2 Based on the court record and the facts described above, the Court should dismiss plaintiff's causes
3 of action without prejudice for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the
4 Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written
5 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
6 purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
7 72(b), the clerk is directed to set the matter for consideration on **February 17, 2006**, as noted in the caption.

8 DATED this 24th day of January, 2006.

9 */s/ J. Kelley Arnold* _____

10 J. Kelley Arnold
11 United States Magistrate Judge

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